

1 A. Yes. Page 2790

2 Q. And how do you know Ben and Ruth?

3 A. Ben and Ruth attend my church. Ben is one of my teens

4 in my youth group, and Ruth is one of my youth volunteers.

5 Q. And how do you know John Freshwater?

6 A. Through FCA and then also working with him in the Will

7 Graham celebration.

8 Q. Have you ever spoken at an FCA meeting here in the Mount

9 Vernon city school system?

10 A. Yes.

11 Q. And have you done that both at the middle school and the

12 high school?

13 A. Yes.

14 Q. Now, when you spoke at the middle school FCA meetings,

15 what date do you remember speaking?

16 A. It was March 18th, 2008. It was every -- usually, every

17 third Tuesday. It was pretty regular.

18 Q. And you say pretty regular. Is that during the

19 2007-2008 school year?

20 A. Yes.

21 Q. So during the 2007-2008 school year, you spoke pretty

22 regularly. Had you been speaking at FCA meetings for a

23 number of years?

24 A. Yes.

25 Q. How many years do you think roughly?

1 A. Probably four. Page 2791

2 Q. And during the 2007-2008 school year -- you mentioned

3 March 18th. We'll come to that here in a few moments -- but

4 you remember speaking pretty regularly once a month?

5 A. Pretty regularly, yes.

6 Q. Now, when you spoke at the high school, how many times

7 do you think you spoke at the high school during the calendar

8 year 2007-2008?

9 A. Probably three or four times.

10 Q. Now, you say three or four times total or three or four

11 times per semester?

12 A. Probably per semester.

13 Q. Okay. So maybe a total of six to eight times total

14 throughout the year?

15 A. Yeah.

16 Q. And when you spoke at the middle school, Pastor, who

17 contacted you to come speak there?

18 A. Ben Nielson usually called or another student.

19 Q. Now, you had told me previously -- and I want to make

20 sure I understand this -- Ben Nielson called you most of the

21 time during the calendar year 2007-2008. Correct?

22 A. Correct.

23 Q. The previous year, do you remember who called you the

24 previous year?

25 A. No.

1 Q. Do you remember if it was a boy or a girl? Page 2792

2 A. A girl.

3 Q. Okay. Other than Ben Nielson, do you remember the names

4 of any other students who contacted you to come speak at the

5 FCA?

6 A. No.

7 Q. Did John Freshwater ever call you to confirm your

8 appointment or attendance there at the FCA?

9 A. Yes.

10 Q. You stated earlier that you knew John through FCA and

11 through the Will Graham celebration. Do you socialize with

12 John Freshwater otherwise?

13 A. No.

14 Q. Do you attend some of the same church functions or

15 anything like that?

16 A. We've been to community events.

17 Q. Okay. And when you talk about the Will Graham

18 celebration, tell me your understanding of what that was.

19 A. It was an evangelistic service provided through the

20 Billy Graham Association held on Kenyon campus, and we worked

21 on a student committee together.

22 Q. Now, when you worked together on that, did you typically

23 meet outside of school?

24 A. Yes.

25 Q. Now, when you were at the middle school for the FCA

1 meetings, how did those meetings begin?

2 A. The teachers would start to dismiss the kids from

3 lunch. They would come into the band room. I would talk to

4 the teenagers that were coming in. And about -- when there

5 was about five, seven minutes left in the lunchtime, I would

6 just kind of settle them down; and then I would share a

7 devotional, pray, and we would leave.

8 Q. When the kids were leaving the lunchtime, sir, how did

9 you know when to begin the meeting?

10 A. Usually, it was about ten till to give me about ten

11 minutes before the lunch period would end, so there was

12 certain times that I would begin.

13 Q. Now, did you get any signals from any teachers? Hey,

14 you've got to begin now?

15 A. No.

16 Q. In your affidavit at Item No. 4, you state that "At the

17 middle school I would wait until" a "majority of kids

18 arrived ... "

19 A. Yes.

20 Q. That indicates that -- roughly how many kids were

21 usually attending these meetings?

22 A. About 10 to 25 students.

23 Q. And so you yourself made the decision as to when to

24 begin the meeting?

25 A. Yes.

<p>1 Q. Who would you characterize as leading the meetings? Page 2794</p> <p>2 A. Me.</p> <p>3 Q. So the meetings progressed. You would call the meeting</p> <p>4 or you would have a five-minute lesson or devotional. Then</p> <p>5 you would have some sort of prayer, and then you would</p> <p>6 dismiss them?</p> <p>7 A. Yes.</p> <p>8 Q. How many students attended the FCA meetings at the Mount</p> <p>9 Vernon city middle school prior to permission slips being</p> <p>10 required?</p> <p>11 A. Anywhere probably between I'd say 25 and 50; that there</p> <p>12 would be a good number.</p> <p>13 Q. Okay. Fifty would be a good number, as in a good, high</p> <p>14 number for attendance?</p> <p>15 A. Yeah, a high number.</p> <p>16 Q. Okay. I just want to make sure I clarify. You're not</p> <p>17 saying that 50 people or 50 students attended each meeting.</p> <p>18 Correct?</p> <p>19 A. Correct.</p> <p>20 Q. After permission slips were required, what kind of</p> <p>21 student participation did you have in numbers after?</p> <p>22 A. There was a large drop-off. We would have probably 10</p> <p>23 to 20 students maybe.</p> <p>24 Q. Now, what was your sense of who was the focus at these</p> <p>25 meetings?</p>	<p>1 at the Mount Vernon city middle school to be? Page 2796</p> <p>2 A. A student leader meeting.</p> <p>3 Q. During these meetings of the FCA at the middle school,</p> <p>4 you would bring your Bible?</p> <p>5 A. Yes.</p> <p>6 Q. And you would go over scripture with the students?</p> <p>7 A. Yes.</p> <p>8 Q. Where was John Freshwater during these meetings when</p> <p>9 they were at the middle school?</p> <p>10 A. He was in the back of the band room by a PA system.</p> <p>11 Q. And when you say "PA system," I had to stop and think</p> <p>12 about that the other day. Do you know what "PA" stands for?</p> <p>13 A. It's the broadcasting system.</p> <p>14 Q. So it's the speaker where announcements were made,</p> <p>15 things of that nature?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. Would you agree that it was your impression that</p> <p>18 John Freshwater was there at the FCA meetings to oversee and</p> <p>19 make certain that the students didn't get unruly, things of</p> <p>20 that nature?</p> <p>21 MR. MILLSTONE: Objection. Leading.</p> <p>22 HEARING OFFICER: Sustained.</p> <p>23 Q. Would you agree that at these FCA meetings that you told</p> <p>24 me that it was your impression that John was there to oversee</p> <p>25 the meetings?</p>
<p>1 A. Probably me. Page 2795</p> <p>2 Q. Now, contrast, if you would, how the high school</p> <p>3 meetings were conducted.</p> <p>4 A. High school meetings start in the morning on Fridays,</p> <p>5 and a student-led worship team would sing two or three</p> <p>6 songs. Then the students would introduce the speaker, and</p> <p>7 the speaker would speak for 15 to 20 minutes and then have</p> <p>8 prayer and leave.</p> <p>9 Q. Now, are you still speaking at the high school FCA</p> <p>10 meetings yet even this year?</p> <p>11 A. Yes.</p> <p>12 Q. And it's still run the same way you just described?</p> <p>13 A. Yes.</p> <p>14 Q. Did you ever speak at a Friday meeting of the FCA at the</p> <p>15 Mount Vernon city middle school?</p> <p>16 A. Yes.</p> <p>17 Q. And tell me what transpires during the Friday meeting.</p> <p>18 A. The Friday meeting is just another short devotional in</p> <p>19 the morning before school.</p> <p>20 Q. And how often did you do that, sir?</p> <p>21 A. I did it a total of twice.</p> <p>22 Q. Did you ever speak at a Monday meeting of the FCA at the</p> <p>23 Mount Vernon Middle School?</p> <p>24 A. No.</p> <p>25 Q. What did you understand the Monday meetings of the FCA</p>	<p>1 MR. MILLSTONE: Objection. Leading. Page 2797</p> <p>2 MR. HAMILTON: Just asking him to confirm or deny,</p> <p>3 Your Honor.</p> <p>4 HEARING OFFICER: Could you read that question</p> <p>5 back, please.</p> <p>6 (Question read.)</p> <p>7 HEARING OFFICER: Objection overruled. You can</p> <p>8 answer that question.</p> <p>9 A. Yes.</p> <p>10 Q. And, in fact, that's part of what you put in your</p> <p>11 affidavit there at No. 8. Correct?</p> <p>12 A. Yes.</p> <p>13 Q. Now, was there prayer at these FCA meetings?</p> <p>14 A. Yes.</p> <p>15 Q. And would you sometimes lead the prayers?</p> <p>16 A. Yes.</p> <p>17 Q. Did the students sometimes lead the prayers?</p> <p>18 A. Yes.</p> <p>19 Q. Did the students ever make any prayer requests to you?</p> <p>20 A. Yes.</p> <p>21 Q. And without violating any kind of particular student</p> <p>22 confidentiality, things of that nature, what kind of requests</p> <p>23 did you generally get?</p> <p>24 A. Just personal prayer requests for things that they were</p> <p>25 going through, family situations, physical ...</p>

	Page 2798		Page 2800
1	Q. Was it pretty regularly that you would pray at these	1	you or was Ben Nielson able to simply move through the chairs
2	meetings?	2	and come closer to you?
3	A. Yes.	3	A. Move through the chairs and come close.
4	Q. Now, you mentioned earlier a meeting on March 13th,	4	Q. When he came closer to you, how did you -- did Ben
5	2008. How are you certain that you were there on that date?	5	Nielson state that he wanted to pray for you?
6	A. I went back to my calendar and looked.	6	A. I think so.
7	Q. And when you were there at that particular meeting on	7	Q. Okay. You had an understanding that he wanted to pray
8	March 18th, 2008, do you remember the Bible lesson or the	8	for you?
9	book from the Bible that you remember sharing with the	9	A. Yes.
10	students?	10	Q. How did you have that understanding? Did he just start
11	A. Daniel and the story of the lion's den.	11	praying?
12	Q. And why were you sharing that with them then?	12	A. No. He asked to pray.
13	A. Just was going through some of my own personal things	13	Q. Um-hum. And it's my understanding that a popcorn prayer
14	and facing some lions, quote, of my own.	14	was prayed. What is a popcorn prayer?
15	Q. And so you shared with them a little bit about that?	15	A. Popcorn prayer is just anybody can pray.
16	A. Yes.	16	Q. And when you say "anybody can pray," does that mean
17	Q. And did you share with them that you had recently been	17	everybody starts talking at once?
18	to the doctor the day before?	18	A. Usually, it's one person at a time. And so when there's
19	A. Yes.	19	a little lag of silence, another person will pray.
20	Q. And I want to make certain I understand the purpose. So	20	Q. On this particular day, you state there at No. 10 of
21	you were sharing that particular devotion with them for what	21	your affidavit, it looks like the ninth line down, you state,
22	reason?	22	"The only two prayers I can remember were Ben's and Ruth's."
23	A. Just was felt led to do that. We were talking about	23	Is that a true statement?
24	facing trials and temptations and just to put their trust in	24	A. Yes.
25	God through whatever that they're facing; that he can see	25	Q. And you know Ben and Ruth from church?
	Page 2799		Page 2801
1	them through; he can close the lions' mouths.	1	A. Yes.
2	Q. How long do you think -- how much time do you think it	2	Q. You know their voices pretty well?
3	took from the beginning of your message to the end of your	3	A. Yes.
4	message?	4	Q. You also state there at No. 10 in the next -- eleventh
5	A. Probably about five minutes.	5	line down, you state, "I do not remember any other person
6	Q. After you finished sharing with them this particular	6	praying." Is that a true statement?
7	message and devotion, what happened next?	7	A. That is correct.
8	A. I felt led to just share my personal story of what I was	8	Q. First of all, did the bell ring to end the class?
9	facing. I was very vague about my doctor's appointment, but,	9	A. I believe so.
10	yet, I was pretty scared, and -- but I was encouraging them	10	Q. And what happened after the bell rang?
11	to trust God no matter what.	11	A. The kids left.
12	Q. Now, after you had shared all this information, did Ben	12	Q. And did you stay for a little while?
13	Nielson approach you?	13	A. Yes.
14	A. Yes.	14	Q. And what did you do after the kids had left but yet you
15	Q. How so?	15	stayed?
16	A. He wanted to pray for me.	16	A. I was talking a little bit with Ruth as we were leaving.
17	Q. Now, you say that he wanted to pray for you. How far	17	Q. You were talking to Ruth Frady?
18	away was Ben Nielson sitting from you during the delivery of	18	A. Yes.
19	your devotional message?	19	Q. Do you remember where John Freshwater was at this point?
20	A. Two rows.	20	A. No.
21	Q. And when you say two rows, sir, you're talking two rows	21	Q. Now, when Ben and Ruth prayed, do you remember any
22	of chairs?	22	outstretching of hands or arms by anybody?
23	A. Yes.	23	A. Yes.
24	Q. Now, were these chairs the kind of chairs that you had	24	Q. What do you remember, sir?
25	to go down to the end of the row in order to come closer to	25	A. They placed hands on me.

	Page 2802		Page 2804
1	Q. And when you say "they," what was your -- were you in a seated position?	1	A. Yes.
2	A. No, I was standing.	2	Q. And when she ended the prayer, was she still behind you at this time?
3	Q. And you're about six one? six two?	3	A. Yes.
4	A. Yes.	4	Q. And when you came out of the prayer position and raised your head, were you able to see who was in the room?
5	Q. And so you're standing up. Are you facing the door, the exit door of the band room?	5	A. Yes.
6	A. Yes.	6	Q. And when you opened your eyes, Ruth was behind you?
7	Q. And do you remember anybody who was behind you at this time?	7	A. Yes.
8	A. Ruth Frady.	8	Q. Some students were in front of you?
9	Q. So Ruth is the only one behind you. And how many students do you think were in front of you?	9	A. Yes.
10	A. Maybe 15.	10	Q. When the prayer was over, did the students then just start to walk away --
11	Q. When the students -- at this point when the students reached out to you, were your eyes open at that moment?	11	A. Yes.
12	A. No.	12	Q. -- or what happened?
13	Q. Okay. You had already gone into the position of prayer?	13	A. The students started to walk away because the bell had rung.
14	A. Yes.	14	Q. In your affidavit at paragraph No. 11, line 12, you state, quote, John was not close to me at the point when the prayer ended, unquote. Is that a true statement?
15	Q. Can you describe for me what your usual position of prayer is.	15	A. I think so, yes.
16	A. I close my eyes and bow my head.	16	Q. And when you opened up your eyes, did you have any sense that John Freshwater was close to you?
17	Q. Is that what you did on March 18th as Ben Nielson and the other students approached you?	17	A. No.
18	A. Yes.	18	Q. Do you recall as you sit here today exactly where he was positioned in the room?
	Page 2803		Page 2805
1	Q. You could feel some hands upon you. Do you remember how many hands you felt upon you?	1	A. No.
2	A. No.	2	Q. If John Freshwater would have been close to you, do you think you would remember it?
3	Q. Did you feel like you had enough hands upon your body to account for everybody in the room?	3	A. Probably.
4	A. No.	4	Q. At this time, on March 18th, 2008, would you have considered yourself to have a close relationship with John Freshwater? It's okay. He's sitting here.
5	Q. Did you have more than one hand upon you?	5	A. I wouldn't say close.
6	A. Yes.	6	Q. You had more of an acquaintance relationship?
7	Q. But as you sit here today, you can't say exactly how many hands?	7	A. Probably, yes.
8	A. No.	8	Q. Okay. Earlier, you stated that John would typically stand in the back of the room near the PA system the other day. Do you remember describing what else you recall John standing near?
9	Q. Now, what was your impression as to why Ben wanted to pray for you?	9	A. It was a gray cabinet, I think, that they kept music in or something like that.
10	A. His concern for me and what I was facing.	10	Q. Was that his usual position whenever you were there?
11	Q. And because you guys have a personal relationship?	11	A. Yes.
12	A. Yes.	12	Q. What did John do during these meetings from your recollection?
13	Q. You put in your affidavit at No. 11 that it was your sense that "Ben took great joy and privilege at the opportunity to pray for me at this time." Is that a true statement?	13	A. He would observe and listen.
14	A. Yes.	14	Q. Do you recall him always being there?
15	Q. And do you have any different feeling as you sit here today?	15	A. Yes.
16	A. No.	16	Q. Now, your affidavit at No. 11, line 15, states, quote, I
17	Q. Did Ruth Frady end the prayer?	17	

	Page 2806		Page 2808
1	never sensed that John was trying to lead the meeting or	1	A. Yeah.
2	direct the meeting. It was always my sense that when I was	2	Q. And you have become aware of that because how?
3	there I was directing the meeting. Is that true?	3	A. Just newspapers, blogs.
4	A. Yes.	4	Q. Did anybody from H.R. On Call or any other type of
5	Q. And when Ruth prayed for you, Ruth Frady, did you get a	5	investigative firm ever speak to you?
6	sense of what type of prayer she was praying for you?	6	A. Yes -- no. No.
7	A. It was an encouraging prayer.	7	Q. You said yes first. I want to make sure that --
8	Q. You and Ruth stayed and spoke after the bell. How long	8	A. No, they did not.
9	did you guys stay and speak after the bell had rung?	9	Q. You started to say yes real quick. Did you
10	A. Maybe two minutes.	10	misunderstand my question in any way?
11	Q. And you told her a little bit more about your medical	11	A. No.
12	situation at the time?	12	Q. Okay. So nobody has ever spoke to you in an
13	A. Yes.	13	investigative sense about this matter. Correct?
14	Q. I asked you the other day, and I have to ask you again.	14	A. No.
15	It's already in your affidavit, but I want to make certain	15	Q. Did Mr. Millstone, the gentleman sitting right here at
16	I have perfect clarity. The prayer that was prayed around	16	the front of this table with the glasses who just nodded at
17	you, was it any sort of exorcism?	17	you -- you'll get to meet him in just a moment -- did he ever
18	A. No.	18	ask you any questions, sir?
19	Q. Because of your degree in youth ministry, do you know	19	A. No.
20	what an exorcism is?	20	Q. The gentleman sitting next to him, Mr. Steve Short,
21	A. Yes.	21	superintendent of the Mount Vernon city school system, did he
22	Q. Would you agree that during the prayer around you nobody	22	ever talk to you about this?
23	called to Satan?	23	A. No.
24	A. No.	24	Q. I asked you the other day if you know any of the School
25	Q. In fact, you and I discussed the other day, did we not,	25	Board members, and I asked you if Ian Watson had ever
	Page 2807		Page 2809
1	that when I posed that to you, you looked at me a bit	1	approached you and talked to you about this.
2	surprised? And this prayer session was not to promote any	2	A. No.
3	kind of -- anything related to Satan, was it?	3	Q. I asked you if Steve Hughes ever approached you and
4	A. No.	4	talked to you about this.
5	Q. First of all, did the word "Satan," did it even come up	5	A. No.
6	during the prayer that you recall?	6	Q. I also asked you if Jody Goetzman, a School Board
7	A. Maybe.	7	member, ever approached you and talked to you about this.
8	Q. And as you sit here today, do you recall the context or	8	A. No.
9	your feeling at the time about how the word "Satan" may have	9	Q. I also asked you if a Board member with the last name of
10	come up?	10	Fair, F-A-I-R, ever approached you and talked to you about
11	A. Not allowing Satan to use this to discourage me.	11	this.
12	Q. And when you say not allow Satan to use this to	12	A. No.
13	discourage you, are you referring to not letting the evil	13	Q. And I asked you about a person who's also on the School
14	spiritual force of Satan discourage you as it relates to your	14	Board named Margie Bennett, and I asked you if she had ever
15	medical condition?	15	spoke to you about it.
16	A. Correct.	16	A. No.
17	Q. Now, were John Freshwater and Ruth Frady the only	17	Q. I want to be very careful how I pose this next question,
18	teachers there on March 18th, 2008?	18	being exceptionally respectful. I understand that Margie
19	A. Yes.	19	Bennett, a School Board member, also attends your church.
20	Q. Do you know Zach Dennis, sir?	20	Correct?
21	A. No.	21	A. Correct.
22	Q. Are you aware of an investigative report that was made	22	Q. And she never asked you any questions?
23	by a group called H.R. On Call?	23	A. No.
24	A. Aware?	24	Q. Do you think it was odd or weird that you were never
25	Q. Yes.	25	interviewed as it relates to this investigation?

	Page 2810		Page 2812
1	A. A little.	1	1 during the meeting. You prayed with Ben and Ruth since March
2	Q. And why so?	2	2 18th, 2008. Correct?
3	A. Just because I know my name was mentioned.	3	3 A. Yes.
4	Q. You had told me the other day that you had read some	4	4 Q. And you prayed with them as they have approached you
5	blogs. Do you remember what you had read?	5	5 about this situation?
6	A. Just at the beginning of the trial or hearing, just	6	6 A. Yes.
7	snippets of what was going on.	7	7 Q. What was your sense -- without violating any
8	Q. Did anybody ever tell you not to talk about this	8	8 confidentiality or trust that you have with either of them,
9	situation?	9	9 what were they -- why did they want you to pray with them?
10	A. No.	10	10 A. Just for strength and encouragement, protection.
11	Q. Just simply, nobody asked you. Correct?	11	11 Q. What was your sense about Ben Nielson's feeling about
12	A. Correct.	12	12 this situation?
13	Q. Your affidavit, No. 15, line 6, states, quote, It just	13	13 A. About the whole trial or hearing?
14	seemed to be blown out of proportion and I have been sitting	14	14 Q. Well, just about his involvement in it.
15	here waiting to be asked. Is that a true statement?	15	15 A. His involvement. He's a pretty laid-back guy, but just
16	A. Yes.	16	16 asked for prayer for encouragement and protection.
17	Q. There's two parts in there. The first one is when you	17	17 Q. Now, when Ruth approached you to ask for prayer, what
18	say it just seemed to be blown out of proportion. What is	18	18 was your sense of her feeling about this matter?
19	"it"?	19	19 A. The same.
20	A. The prayer session in the FCA middle school that I was a	20	20 Q. Okay. Now, have you, Ben Nielson, and Ruth Frady all
21	part of.	21	21 been together at the same time and all talked about this
22	Q. And you -- I'm sorry. I interrupted you.	22	22 situation?
23	A. It seemed to be blown out of proportion.	23	23 A. No.
24	Q. You're talking specifically about the prayer session on	24	24 Q. Do you know Ben Nielson to be an honest individual?
25	March 18th, 2008?	25	25 A. Yes.
	Page 2811		Page 2813
1	A. Yes.	1	1 Q. Do you know Ruth Frady to be an honest individual?
2	Q. When you say you've been sitting there waiting for	2	2 A. Yes.
3	somebody to be asked -- or sitting there waiting to be asked	3	3 Q. Earlier, you stated that Ben is one of the teens in your
4	any questions about it, you haven't tried to hide yourself,	4	4 youth ministry.
5	have you?	5	5 A. Yes.
6	A. No.	6	6 Q. And we joked about this the other day. Ruth you
7	Q. In fact, you told me that a newspaper reporter had	7	7 consider to be a big sister instead of a mom. Right?
8	contacted you at some point.	8	8 A. That is correct.
9	A. Yes.	9	9 Q. And, in fact, you explained to me that she chastised you
10	Q. Did you talk to that newspaper reporter at the time?	10	10 about trying to call her mom. Right?
11	A. No.	11	11 A. Yes.
12	Q. Do you remember who that was?	12	12 Q. Because she thought it would be better for her to be a
13	A. Not offhand.	13	13 sister instead of a mom?
14	Q. Why do you think you should have been asked any	14	14 A. Yes.
15	questions?	15	15 Q. Sir, was it special to you that they prayed for you that
16	A. Just because it was a situation that I was involved in.	16	16 day?
17	Q. Have you spoken to Ben Nielson or Ruth Frady about this	17	17 A. Yes.
18	situation?	18	18 Q. Your affidavit at No. 17 states, quote, John never asked
19	A. Not details.	19	19 for any prayer requests. John never directed any kid to
20	Q. Okay. In fact, in your affidavit there, No. 15, you	20	20 pray. Is that a true statement?
21	say, "I did not specifically speak with Ben or Ruth about	21	21 A. Yes.
22	this matter." But it's my understanding that you have prayed	22	22 Q. How many meetings do you estimate that you attended at
23	with each of them. Is that true?	23	23 the FCA at the middle school when John Freshwater was
24	A. Yes.	24	24 present?
25	Q. And when you prayed with each of them, that was not	25	25 A. Maybe 12.

	Page 2814		Page 2816
1	Q. And that includes all of the years that you've been	1	A. Okay.
2	going there, sir?	2	Q. You indicated that Ben Nielson came up to you and asked
3	A. No.	3	if he could pray for you.
4	Q. That includes just last year?	4	A. Yes.
5	A. Probably.	5	Q. I'd ask you -- you're looking at something as I speak to
6	Q. When I say last year, it's the 2007-2008 calendar year.	6	you. Is that your affidavit?
7	A. Yes.	7	A. Yes.
8	Q. And in years prior to 2007-2008, how many meetings do	8	Q. Can I ask you to speak from your memory?
9	you think you've been to where John Freshwater was also	9	A. Okay.
10	present?	10	Q. If you need to refresh yourself, let me know, and you
11	A. Maybe 25.	11	can look at it.
12	Q. Okay. So would it be accurate to state that if you take	12	A. Okay.
13	the 12 and the 25, you've been around John Freshwater at FCA	13	Q. Ben Nielson asked if he could pray for you?
14	meetings approximately 37 times?	14	A. He was sitting and asked if he could pray.
15	A. Probably, yes.	15	Q. Do you recall whether or not Mr. Freshwater said
16	MR. HAMILTON: Give me just one second to consult	16	something to the effect of, Why don't we pray for him,
17	Mr. Freshwater.	17	referring to you, or whether he might have said something --
18	THE WITNESS: Okay.	18	well, let's try that.
19	(Brief recess.)	19	A. I do not recall.
20	MR. HAMILTON: Pastor, thank you for your time,	20	Q. Do you recall whether Mr. Freshwater may have said
21	sir.	21	something to the effect that anyone who wanted to could
22	HEARING OFFICER: Attorney Millstone.	22	circle around Pastor Zirkle in prayer?
23	CROSS-EXAMINATION	23	A. I do not recall.
24	BY MR. MILLSTONE:	24	Q. Do you recall, did Mr. Freshwater end the prayer with an
25	Q. Pastor Zirkle, my name is David Millstone. I represent	25	amen?
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1	the Board of Education. I'm going to ask you a few	1	A. No.
2	questions. If you don't understand them or can't hear me,	2	Q. No, he did not, or, no, you do not recall?
3	I'm happy to speak up or ask them again. Just let me know.	3	A. I do not recall.
4	A. All right.	4	Q. Do you recall if it was Ruth Frady who said, God keep
5	Q. Thank you. You indicated you worked on the Will Graham	5	Satan from discovering Stephen? Or do you recall who it was?
6	celebration with Mr. Freshwater.	6	A. Ruth may have said that, but it was discouraging, to
7	A. Yes.	7	keep Satan from discouraging me.
8	Q. And what was the committee that you indicated you were	8	Q. From discouraging, not discovering?
9	on?	9	A. Right.
10	A. Student committee.	10	Q. And that was Ruth Frady that said that?
11	Q. What was the student committee?	11	A. Yes.
12	A. It provided activities to kind of promote the Will	12	Q. Did you witness John Freshwater hurrying students off to
13	Graham celebration leading up to it, just like a battle of	13	class at the end of the prayer?
14	the bands, community service events.	14	A. No.
15	Q. Okay. So this was -- were these activities for students	15	Q. Now, you testified that the students were in front of
16	to engage in or to attract students?	16	you. They did not form a circle around you?
17	A. Yes.	17	A. Not that I recall.
18	Q. Which one? I'm sorry. Either or? Or was it both?	18	Q. Is it possible they formed a circle around you?
19	A. To engage and attract.	19	A. Possible.
20	Q. And so part of the purpose of this committee was to get	20	Q. Is it possible that Mr. Freshwater may have said, Do you
21	students to come to the Will Graham celebration?	21	want to pray -- offer pray for Pastor Zirkle?
22	A. Yes.	22	A. Possible.
23	Q. Have you ever been in Mr. Freshwater's classroom?	23	MR. MILLSTONE: I don't have any questions. Thank
24	A. No.	24	you.
25	Q. Now, I want to go back to the March 18th, 2008, meeting.	25	HEARING OFFICER: Redirect.